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Patent
Attorney's Docket No. 007198-353

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Kwok On LAI *et al.*) Group Art Unit: 1647
Application No.: 09/157,984 ✓) Examiner: R. Hayes
Filed: September 22, 1998 ✓)
For: CLONING OF A NOVEL)
NEUROTROPHIN NT-7 FROM CARP)

DECLARATION OF NANCY YUK-YU IP UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Nancy Yuk-Yu IP declare that:

1. I am a citizen of Hong Kong and reside at 7A Repulse Bay Towers, 119A Repulse Bay Road, Hong Kong.
2. I am a co-inventor with Kwok On LAI of the subject matter claimed in the above-referenced application, which is assigned to The Hong Kong University of Science and Technology located in Clear Water Bay, Kowloon, Hong Kong.
3. I am making this declaration for the purpose of establishing completion of the invention in this application in Hong Kong at a date prior to March 13, 1998, i.e. prior to the March 13, 1998 publication date of the article, by Ann-Sofie Nilsson *et al.*, "Neurotrophin-7: A Novel Member of the Neurotrophin Family from the Zebrafish, " FEBS Letters, 424: 285-290.

4. I am, and was at the time the invention was made, a Professor at The Hong Kong University of Science and Technology.

5. I and my co-inventor, Kwok On LAI, had a manuscript accepted by the journal Molecular and Cellular Neuroscience on January 8, 1998, prior to the March 13, 1998 publication date of the paper by Nilsson *et al.*

6. The manuscript was published in May 1998 and is Kwok On LAI *et al.*, Molecular and Cellular Neuroscience 11: 64-76 (Exhibit A). The paper represents the Applicants' own work.

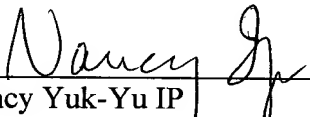
7. The published paper of Lai *et al.* (Exhibit A) contains the same content as the manuscript accepted for publication on January 8, 1998.

8. The published paper, Exhibit A, represents a reduction to practice of the subject matter claimed in the above-referenced application. Specifically, the published paper presents the amino acid sequence of neurotrophin, NT-7, derived from carp in Figure 2 on page 66 (SEQ.ID NO: 1 of the above-referenced application). Exhibit A also demonstrates that NT-7 has neurotrophic activity by supporting the survival of E8 chick neurons and stimulating neurite outgrowth and survival of DRG neurons (Lai *et al.*, page 69).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

February 23, 2001

Date



Nancy Yuk-Yu IP